# UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

REITA N. AGARWAL,	)	
Plaintiff,	)	
<b>v.</b>	)	Case No. 3:07-1149
	)	Judge Echols
GORDON H. MANSFIELD, Acting	)	
Secretary of Veterans Affairs,	)	
Department of Veterans Affairs,	)	
	)	
Defendant.	)	

## **ORDER**

For the reasons explained in the Memorandum issued contemporaneously herewith, Defendant's Motion for Summary Judgment (Docket Entry No. 35) is hereby DENIED.

The Pretrial Conference in this case will be held on January 26, 2009 at 1:30 p.m., and the jury trial will commence on February 17, 2009, both as previously scheduled.

It is so ORDERED.

ROBERT L. ECHOLS

UNITED STATES DISTRICT JUDGE

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Plaintiff,	)	
v.	)	Case No. 3:07-1149 Judge Echols
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Secretary of Veterans Affairs,	)	
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	)	
Defendant.	)	

## **MEMORDANDUM**

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## It is so ORDERED. I. FACTUAL BACKGROUND

Dr. Agarwal is a physician employed by the Department of Veterans Affairs ("VA") who worked in the Emergency Room at the Alvin C. York Medical Center Campus in Murfreesboro, ROBERT L. ECHOLS

Tennessee. It was her transfer from the Emergency Room Robert Lection of Robert Lection and leadership program which led to this litigation. The facts underlying Plaintiff's claims are construed in Plaintiff's favor and are as follows.

The Alvin C. York Medical Center is part of the Tennessee Valley Healthcare System, which is a part of the VA. Primary Care is a section of the Alvin C. York Medical Center consisting of the